



JUSTICE AND PUBLIC SAFETY CABINET

Matthew G. Bevin
Governor

Department of Corrections

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September 28, 2018

MuckRock News
DEPT MR 61477
411A Highland Ave
Somerville, MA 02144-2516

RE: Open records request (Log 18-097 received 9/20/2018)

Dear Ms. Lipton,

Your open records request was received by the Department of Corrections on September 20, 2018. You requested the following:

“Pursuant to the Kentucky Open Records Act, I hereby request the following records:

- All policies related to the employment and payment of incarcerated persons under the jurisdiction of this agency.*
- The most recent report regarding currently-employed incarcerated persons under the jurisdiction of the is agency. Please include all available segregable information, including the type of employment, the wage at which the employment occurs, and any other applicable information. Please do not include any personally identifying information.*
- All reports regarding post-incarceration employment for individuals formally under jurisdiction of the agency.*

If no such reports exist and if reports with equivalent information also do not exist, confirmation of the fact that no data at all exists on this subject will suffice.”

Regarding the first item, the Kentucky Department of Corrections has the following policy that appears responsive to your request: CPP Chapter 19 Inmate Work Programs; KRS 196.704, which provides structure and oversight of PIE by the State Corrections Commission; and KRS 197 (From 197.105 to 197.150) PIE statutes and that cover prison labor.

Regarding the second & third items, the Kentucky Department of Corrections maintains no records that are responsive to your request. A public agency cannot afford a requester access to a record that it does not have or which does not exist. 99-ORD-98. Therefore, the agency discharges its duty under the Open Records Act by affirmatively so stating. 04-ORD-43; 99-ORD-150.

Pursuant to KRS 61.874(3), the Department of Corrections charges \$0.10 per page for copies of records plus postage and advance payment is required. The records include 39 pages, for a cost of \$3.90, plus \$5.95 for postage. The total cost to mail you the records will be **\$9.85**. A check or money order for this amount should be made payable to the Kentucky State Treasurer and forwarded **to my attention** at the above address.

This information may be accessed at the following links if you choose not to have the printed material mailed to you:

CPP 19.1 Governmental Services Program

<https://corrections.ky.gov/About/cpp/Documents/19/CPP%2019.1.pdf>

CPP 19.2 Sentence Credit for Work

<https://corrections.ky.gov/About/cpp/Documents/19/CPP%2019.2.pdf>

CPP 19.3 Inmate Wage/Time Credit Program

<https://corrections.ky.gov/About/cpp/Documents/19/CPP%2019.3.pdf>

CPP 19.4 Work Release for State Inmates in Jails

<https://corrections.ky.gov/About/cpp/Documents/19/CPP%2019.4.pdf>

KRS 196.704 Commission's duties relating to Prison Industry Enhancement Certification Program

<http://www.lrc.ky.gov/statutes/statute.aspx?id=46786>

KRS 197.105 Prison Industry Enhancement Certification Program (PIECP) – Lease of labor of state prisoners within department's facilities for production of nonagricultural goods for sale to public and private buyers.

<http://www.lrc.ky.gov/statutes/statute.aspx?id=46785>

KRS 197.110 Administrative regulations relating to classification, work, and pay of prisoners.

<http://www.lrc.ky.gov/statutes/statute.aspx?id=6879>

KRS 197.120 Employment of prisoners by other state agencies – Restriction

<http://www.lrc.ky.gov/statutes/statute.aspx?id=6880>

KRS 197.130 Prisoners not to be required to work outside prison – Exceptions

<http://www.lrc.ky.gov/statutes/statute.aspx?id=6881>

KRS 197.140 Prisoners not eligible to be worked outside prison

<http://www.lrc.ky.gov/statutes/statute.aspx?id=6882>

KRS 197.150 Prisoners or dependents to receive compensation for work outside prison – Prisoners with dependents to have preference

<http://www.lrc.ky.gov/statutes/statute.aspx?id=6883>

Sincerely,



Katherine Williams
Open Records Request Coordinator
Kentucky Department of Corrections